

Auditor McGuinness: 20 Performance Audits Show State School Districts, DOE Could Improve Background Check Processes

DOVER, Del. – State Auditor Kathy McGuinness stated today that Delaware’s 19 school districts and the Department of Education (DOE) could improve their criminal background check processes for people with the opportunity to have personal contact with students.

“My audit team completed 20 performance audits – one audit of each of the state’s 19 school districts and one of the Department of Education – and assessed how well each entity is complying with state laws and regulations regarding required criminal background checks,” McGuinness said. “The goal here is to ensure Delaware’s students are protected from potential exposure to people with a known criminal history of harming children.”

All 20 audits, which were released yesterday and today and can be found on auditor.delaware.gov, contain findings and recommendations for improvement.

“Every entity we audited had internal controls in place for following the criminal background check process,” McGuinness said. “But as we examined how well these entities followed state laws and regulations, we discovered that districts’ management teams were using a wide variety of processes and procedures, and opportunities existed to improve districts’ internal controls.

“Ensuring background check clearance requirements under state

law and regulations are satisfied is critical to protect students and to address legal and governance responsibilities placed on the district and school board.

“In all cases, once we determined compliance with federal and state background checks, then the key factor we were looking for was whether management documented its review of those background checks and actively determined the person was suitable to work with children, which is what the law requires.”

McGuinness pointed out that districts spend taxpayer money each year on having state and federal criminal background checks performed on new employees, contractors, volunteers and student teachers.

“Performance audits are a valuable tool to determine information beyond whether taxpayer money was spent on allowable expenses,” McGuinness said. “These audits were designed to ensure that, since districts are spending this money, they are following the processes, procedures, laws and regulations that govern how they are to use those checks to ensure the safety of district children.”

The audit team examined background check samples from each district and DOE, then tested each entity’s internal controls by reviewing provided documentation to see whether management had determined if each employee, contractor, volunteer or student teacher was permitted by law to work with children.

“I thank all of the districts and DOE for their cooperation during these audits,” McGuinness said. “Work began on these reviews before the COVID-19 pandemic hit, and we all understand how much pressure schools have been under as they transitioned from full-time in-person learning to full-time virtual learning to hybrid learning options.

“At the end of the day, we are all on the same side: wanting students to be in safe learning environments with trusted

adults surrounding them,” McGuinness added.

The 20 criminal background check performance audits can be located on the Auditor’s Office website [here](#) under “Performance Audits.”

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